

Merrett R. Stierheim, Superintendent of Schools

**SUBJECT: REQUEST CONFIRMATION FOR THE SUPERINTENDENT TO
SUBMIT A REQUEST THAT THE GOVERNOR EXERCISE HIS
VETO AUTHORITY AND VETO LINE 81 OF THE 2004 GENERAL
APPROPRIATIONS ACT; REQUEST AUTHORIZATION TO
PREPARE A DETAILED ANALYSIS OF EDUCATIONAL
FUNDING AVAILABLE FOR FISCAL YEAR 2004 -2005; TO
PURSUE ALL AVAILABLE REMEDIES, ADMINISTRATIVE,
LEGAL AND OTHERWISE TO THE MODIFICATION OF THE
METHODOLOGY USED TO CALCULATE THE DISTRICT COST
DIFFERENTIAL (DCD); TO EXPLORE THE INTEREST OF
OTHER COUNTIES IN JOINING FORCES AND SHARING THE
COST A LAWSUIT SHOULD A LEGAL REMEDY BE
RECOMMENDED**

**COMMITTEE: LEGISLATIVE RELATIONS, PUBLIC RELATIONS AND
PERSONNEL SERVICES**

During the 2004 Florida Legislative Session, the District Cost Differential (DCD) component of the Florida Education Finance Program (FEFP) formula was modified resulting in a reduction in funding to 27 high-cost districts, including Miami-Dade. In an attempt to mitigate the initial fiscal impact to this district, a compromise transition supplement of \$14,231,828 was negotiated by members of the Miami-Dade Delegation. While these funds somewhat soften the blow that a potential cut of \$27,835,427 would have on Miami-Dade County Public Schools, such a cut is still unbearable.

The Legislature has acted to determine the revenues available to us to educate students. It now falls to the school district to analyze the implications of such a massive restructuring of the education funding formula. The end result of such a drastic cut will be to mandate difficult and deep cuts to this district's operational budget, including possible impacts to educational programs which have been largely avoidable in the past, especially in year two of its implementation.

At the April 9, 2004 Tri-County School Board meeting, the majority of our Board, seven of nine Board members from Broward and the three Board members present from Palm Beach, unanimously voted to pursue legal relief at two levels. The first pertains to the

A-8

Constitutional requirement for the State to provide an adequate level of funding for public education. It was the position of twelve of the fifteen Board members present that funding for public education was inadequate. The second level pertains to the DCD.

As authorized by Agenda Item A-7 at the April 14, 2004, Board meeting, the firm of Holland & Knight, LLP, was retained to provide preliminary opinions as to the constitutionality of the Legislature's action. The firm has conducted a preliminary review and provided an outline of their recommendations to the Board Attorney. Among the firms recommendations is that a request be submitted to the Governor to veto the FEFP based on the modification to the DCD.

It is imperative that this district explore all manner of remedies available to reverse the assault and dismantling of the FEFP, including possible legal challenges based on the constitutional requirement to provide for adequate and equitable funding for education.

After discussing this issue with Board Member Agustin Barrera, who is proposing a similar agenda item, I am requesting that both items be discussed together.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida:

1. authorize the Superintendent to submit a request that the Governor exercise his veto authority and veto line 81 of the 2004 General Appropriations Act – Grants and Aids to Local Governments – Florida Education Finance Program;
2. provide a detailed analysis of the educational funding available for fiscal year 2004 -2005 and report it to the Board at the June 16, 2004 meeting; and
3. pursue all available remedies, administrative, legal and otherwise to the modification of the methodology used to calculate the District Cost Differential (DCD).
4. authorize the Superintendent and Board Attorney explore the interest of other counties in joining forces and sharing the cost of a lawsuit, should a legal remedy be recommended.